

MAN

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JUAN JOHNSON.

Plaintiff,

YS.

REYNALDO GUEVARA, and the CITY
OF CHICAGO,

Defendants.

No. 05 C 1042

Judge Grady
Magistrate Judge Mason

AGREED ORDER

IT IS HEREBY ORDERED THAT Defendants are granted leave to remove the box of exhibits from the district court and redact them pursuant to Federal Rule of Civil Procedure 5.2 in accordance with the Order dated August 21, 2009 of the United States Court of Appeals for the Seventh Circuit which granted Defendant REYNALDO GUEVARA's Motion Concerning Trial Exhibits.

ENTER:

The Honorable Judge Grady
United States District Judge

DATED:

9-14-2009

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No. 09-2883

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

JUAN JOHNSON,

Plaintiff-Appellant,

v.

REYNALDO GUEVARA,

Defendant-Appellant.

) Appeal from the United States
) District Court for the Northern
) District of Illinois, Eastern Division
)

No. 05 C 01042

) The Honorable
) John F. Grady,
) Judge Presiding

U.S.C.A. - 7th Circuit
FILED
AUG 21 2009 COD
GINO J. AGNELLO
CLERK

U.S.C.A. - 7th Circuit
RECEIVED

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GINO J. AGNELLO
CLERK

MOTION CONCERNING TRIAL EXHIBITS

Defendant-Appellant Reynaldo Guevara, by his attorney, Mara S. Georges, Corporation Counsel of the City of Chicago, hereby moves for an order allowing the City to withdraw the exhibits in order to make certain redactions, or, in the alternative, for an order directing the clerk of this court to return the exhibits to the district court. In support of the motion, Guevara states as follows:

1. After a trial, a jury returned a verdict for plaintiff and against Guevara. The district court entered judgment pursuant to Fed. R. Civ. P. 54(b), and Guevara filed a notice of appeal on July 24, 2009. R. 304. Briefing of the appeal has been suspended by order of this court. As required by 7th Cir. R. 10(a), Guevara tendered exhibits to the district court for filing, to be included in the record on appeal, along with an exhibit list. R. 309. As a result, one box of exhibits was transmitted to this court as part of the record.

2. Fed. R. Civ. P. 5.2(a)(1) provides that unless the court orders otherwise, in filings that contain "an individual's social security number, taxpayer identification number, or birth date, the name of an individual known to be a minor, or a financial account number, a party or nonparty making the filing may include only (1) the last four digits of the social-security number and taxpayer-identification number; (2) the year of the individual's birth; (3) the minor's initials; and (4) the last four digits of the financial account number." Fed. R. Civ. P. 5.2(a). We have ascertained that the exhibits that were tendered to the district court for filing, which were then transmitted to this court, were not redacted in this manner.

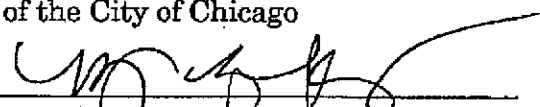
3. For this reason, we now seek leave from this court to withdraw the box of exhibits, so that we may make any necessary redactions and then return them to this court. In the alternative, we request that this court order the clerk to return the box of exhibits to the district court, so that we may take steps in that court to have them removed and replaced with redacted copies.

4. Counsel for plaintiff agrees that these redactions should be made.

Respectfully submitted,

MARA S. GEORGES
Corporation Counsel
of the City of Chicago

By:


MYRIAM ZRECZNY KASPER
Chief Assistant Corporation Counsel
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Deputy Corporation Counsel
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312-744-3564/7764

CERTIFICATE OF SERVICE

I certify that I served the attached Motion Concerning Trial Exhibits by placing copies in envelopes with sufficient postage affixed and directed to the persons named below, at the addresses indicated, and depositing those envelopes in the United States mail box before 5:00 p.m. on August 21, 2009.



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UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

August 28, 2009

BEFORE

DIANE S. SYKES, Circuit Judge

No.: 09-2883	JUAN JOHNSON, Plaintiff - Appellee v. REYNALDO GUEVARA, Defendant - Appellant
Originating Case Information:	
District Court No: 1:05-cv-01042 Northern District of Illinois, Eastern Division District Judge John F. Grady	

Upon consideration of the **MOTION CONCERNING TRIAL EXHIBITS**, filed on August 21, 2009, by counsel for the appellant,

IT IS ORDERED that the motion is **GRANTED** to the extent that the clerk of this court shall return the 1 box of paper exhibits to the district court.